

REMARKS

In the Office Action, the Examiner rejected claims 1-30. By this paper, Applicants have added new claim 31 and amended claims 1, 15, and 28 for clarification of certain features to expedite allowance of the present application. These amendments do not add any new matter. Upon entry of these amendments, claims 1-31 are pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Interview Summary

In accordance with 37 C.F.R. § 1.133 and M.P.E.P. § 713.04, Applicants present the following summary of a telephonic interview between the Examiner and the Applicants' Attorney, David M. Hoffman, Reg. No. 54,174. The interview was conducted on February 2, 2006. The interview was initiated by the Applicants' Attorney to discuss the subject matter disclosed by Chen et al. (U.S. Pub. No. 2003/0211859, hereafter "the Chen reference"). After a detailed discussion, the Examiner and the Applicants' Attorney were unable to reach a consensus regarding the teachings the Chen reference.

Claim Rejection under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-8, 12, 15-18, and 21-30 under 35 U.S.C. § 102(e) as anticipated by Chen et al. (U.S. Publication No.

2003/0211859, hereafter referred to as “the Chen reference”). Applicants respectfully traverse this rejection.

Legal Precedent

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *See Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir.1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *See In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir.1990). That is, the prior art reference must show the *identical invention* “in as complete detail as contained in the ... claim” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Thus, for anticipation, the cited reference must not only disclose all of the recited features but must also disclose the *part-to-part relationships* between these features. *See Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 486 (Fed. Cir.1984). Accordingly, Applicants need only point to a single element or claimed relationship not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. A *strict correspondence* between the claimed language and the cited reference must be established for a valid anticipation rejection.

Moreover, Applicants submit that, during patent examination, the pending claims must be given an interpretation that is *reasonable* and *consistent* with the specification.

See In re Prater, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); *In re Morris*, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); see also M.P.E.P. § 2111 (describing the standards for claim interpretation during prosecution). Indeed, the *specification* is “the primary basis for construing the claims.” *See Phillips v. AWH Corp.*, No. 03-1269, -1286, at 13-16 (Fed. Cir. July 12, 2005) (citations omitted). It is usually dispositive. *See id.*

Interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *See In re Cortright*, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); see also M.P.E.P. § 2111. That is, recitations of a claim must be read as they would be interpreted by those of ordinary skill in the art. *See Rexnord Corp. v. Laliram Corp.*, 60 U.S.P.Q.2d 1851, 1854 (Fed. Cir. 2001); see also M.P.E.P. § 2111.01. In summary, an Examiner, during prosecution, must interpret a claim recitation as one of ordinary skill in the art would reasonably interpret the claim in view of the specification. *See In re American Academy of Science Tech Center*, 70 U.S.P.Q.2d 1827 (Fed. Cir. 2004).

Deficiencies of the Rejection

Applicants respectfully assert that several features of independent claims 1, 15, and 28 are not disclosed by the Chen reference. For example, independent claim 1, as amended, recites “at least one transceiver unit adapted ... wherein the transceiver unit is *directly coupled to the undedicated public network.*” (Emphasis added). Independent claim 15, as amended, recites “a communication interface to facilitate communication between the access network unit and at least one transceiver unit over an undedicated

public network, *wherein the transceiver unit is directly coupled to the undedicated public network.*” (Emphasis added). Independent claim 28, as amended, recites

“communicating information over an undedicated public network between at least one transceiver unit... and an access network unit...*wherein the transceiver unit is directly coupled to the undedicated public network.*” (Emphasis added).

In sharp contrast, the Chen reference discloses a system for “multicasting media to the group of target communication devices to save network resources.” Chen, abstract, lines 1-5. As illustrated by Figs. 1 and 2 of the Chen reference, Chen discloses a system in which a mobile station 206 transmits data wirelessly across an air interface 208 to a base station 204. *See* Chen, paragraph 22, lines 1-8. This received data is then transmitted from the base station 204 to a base station controller via *a dedicated connection*. *See* Chen, Fig. 2. The received data then travels from the BSC 110 to the packet control function (“PCF”) 112 via *another dedicated connection*. *See* Chen, Fig. 1; *see also* paragraph 19. The data then travels from the PCF 110 to the packet data switching node (“PDSN”) 106 via yet *another dedicated connection*. *See id.* Then and only then does the data travel via the IP network 108 to a group call server 102. *See id.* As such, rather than disclose a system “wherein the transceiver unit is directly coupled to the undedicated public network,” as recited in claim 1, for example, the Chen reference discloses a system where transmission from the base station 204 must pass through no less than *three separate dedicated connections* en route to the IP network 108. For at least these reasons, Applicants respectfully assert that the Chen reference does not disclose the

above-recited features of independent claims 1 and 20. Accordingly, Applicants respectfully request withdrawal of the Section 102 rejection and allowance of independent claims 1, 15, and 28, as well as the claims that depend therefrom.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 9 and 11 as being unpatentable under 35 U.S.C. § 103(a) over the Chen reference in view of Yuhara et al. (U.S. Publication No. 2004/0192189, hereafter referred to as “the Yuhara reference”); rejected claims 10, 13, and 14 as being unpatentable over the Chen reference in view of Chang et al. (U.S. Patent No. 6,487,406, hereafter referred to as “the Chang reference”); rejected claim 19 as being unpatentable over the Chen reference in view of Zhigang (U.S. Publication No. 2005/0014489, hereafter referred to as “the Zhigang reference”); and rejected claim 20 as being unpatentable over the Chen reference in view of Ahmed et al. (U.S. Publication No. 2003/0174688, hereafter referred to as “the Ahmed reference”).

Claims 9 and 11

As stated above, the Examiner rejected claims 9 and 11 as being unpatentable over the Chen reference in view of the Yuhara reference. Applicants respectfully submit that claims 9 and 11 are allowable based on their dependencies on claim 1, because the Yuhara reference does not cure the deficiencies described above with regard to the Chen reference. For at least this reason, claims 9 and 11 are believed to be allowable over the

cited references taken alone or in conjunction with each other. Thus, Applicants respectfully request withdrawal of the rejection of claims 9 and 11.

Claims 10, 13, and 14

As stated above, the Examiner rejected claims 10, 13 and 14 as being unpatentable over the Chen reference in view of the Chang reference. Applicants respectfully submit that claims 10, 13, and 14 are allowable based on their dependencies on claim 1, because the Chang reference does not cure the deficiencies described above with regard to the Chen reference. For at least this reason, claims 10, 13, and 14 are believed to be allowable over the cited references taken alone or in conjunction with each other. Thus, Applicants respectfully request withdrawal of the rejection of claims 10, 13, and 14.

Claim 19

As stated above, the Examiner rejected claim 19 as being unpatentable over the Chen reference in view of the Zhigang reference. Applicants respectfully submit that claim 19 is allowable based on its dependency on claim 15, because the Chen reference does not cure the deficiencies described above with regard to the Zhigang reference. For at least this reason, claim 19 is believed to be allowable over the cited references taken alone or in conjunction with each other. Thus, Applicants respectfully request withdrawal of the rejection of claim 19.

Claim 20

As stated above, the Examiner rejected claim 20 as obvious over the Chen reference in view of the Ahmed reference. Applicants respectfully submit that claim 20 is allowable based on its dependency on claim 15, because the Chen reference does not cure the deficiencies described above with regard to the Ahmed reference. For at least this reason, claim 20 is believed to be allowable over the cited references taken alone or in conjunction with each other. Thus, Applicants respectfully request withdrawal of the rejection of claim 20.

New Claims

Applicants respectfully requests that new dependent claim 31 be considered. This new claim is fully supported by the specification, and Applicants respectfully submit that the prior art of record does not disclose the recited subject matter of claim 31. For this reason, Applicants respectfully submit that new claim 31 is allowable over the cited references, taken alone or in combination with each other.

Payment of Fees and General Authorization for Extensions of Time

By the present response, one new dependent claim has been added. There are now 31 total claims, of which 3 are independent. Because the total number of claims previously paid for was 30 with 3 independent claims, Applicants authorize the Commissioner to charge the appropriate fee of \$50 to the attached PTO-2038.

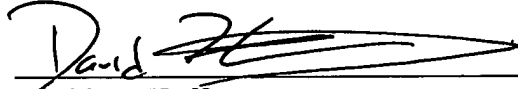
In addition, in accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefor. As such, Applicants authorize the Commissioner to charge the any required extension fees to Deposit Account No. 06-1315, Order No. LUCW:0002/ FLE-Kansal 1-5.

Conclusion

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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